

OFFICE OF MINE SAFETY AND LICENSING

**DEPARTMENT FOR NATURAL RESOURCES
ENERGY AND ENVIRONMENT CABINET**

FATAL ACCIDENT REPORT

LEECO, INCORPORATED MINE NUMBER 68 (67)

**STEVEN L. BESHEAR, GOVERNOR
COMMONWEALTH OF KENTUCKY**

**LEONARD K. PETERS, SECRETARY
ENERGY AND ENVIRONMENT CABINET**

**CARL E. CAMPBELL, COMMISSIONER
DEPARTMENT FOR NATURAL RESOURCES**

**JOHNNY GREENE, EXECUTIVE DIRECTOR
OFFICE OF MINE SAFETY AND LICENSING**

**1025 CAPITAL CENTER DRIVE
FRANKFORT, KY 40602-2244**



MACHINERY ACCIDENT

HAZARD DISTRICT

**LEECO, INCORPORATED
MINE NUMBER 68 (67)**

STATE FILE NO. 11305-53

DECEASED: BOBBY L. SMITH

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LEECO, INC.
MINE NO. 68 (67)
FILE NO. 11305-53
FATAL ACCIDENT REPORT
JUNE 24, 2010
DECEASED: BOBBY L. SMITH

A

**ACCIDENT REPORT
COMMONWEALTH OF KENTUCKY
OFFICE OF MINE SAFETY AND LICENSING
P.O. BOX 2244
FRANKFORT, KY 40602-2244
PHONE: (502) 573-0140 FAX: (502) 573-0152**

[X] Chargeable _____ [X] Fatal _____

Company: Leeco, Inc. Mine Name or Number: 68 (67)

Mine Location: Jeff County: Perry File No. 11305-53

Daily Production: 5500 tons Name of Coal Seam: Amburgey

Seam Thickness: 35 inches

Company Official: Joseph G. Evans Address: PO Box 309 Jeff, KY 41751

No. of Employees: 152 Type of Mine: URC

Workers Compensation Carrier: Self-insured

Name of Victim: Bobby L. Smith [X] Male [] Female

Miner I.D. No.: _____ [X] Certified Miner

Age: 29 Marital Status: Yes Dependents: Wife Yes Children 3

Shift accident occurred on: First

Occupation when injured: Continuous Miner Operator

Regular occupation: Continuous Miner Operator

Experience at this occupation: 3 years and 6 months

Experience at this mine: 1 year and 11 months

Total mining experience: 12 years

Training Record: Annual - 1/2/10 Instructor who trained: Patrick W. Schoolcraft

Date and time of accident: June 24, 2010 at 1:00 PM

Date and time of death: June 24, 2010 at 3:00 PM

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Date and time OMSL was notified: June 24, 2010 at 1:19 PM

By whom (title and affiliation): Patrick Schoolcraft - Safety Director

Date and time of investigation: June 24, 2010 at 1:45 PM

Date of interview statement session: June 25, 2010

Name of hospital victim was taken to: Hazard ARH

Attending physician: Emergency Room City: Hazard Phone No.: 606-439-6600

Coroner: John Collett - Deputy Coroner County: Perry

Address: P O Box 381 - Hazard, KY 41701 Phone No.:

Victim's activity at the time of accident: The victim was operating a continuous miner by radio remote control, removing spilled loose coal (gob) from an entry, after the cut had been mined. The victim was tramming the continuous miner forward, in close proximity to his location, when he was struck by the machine.

Other factors contributing to this accident: The victim was located in the red zone (prohibited area), which resulted in him being struck and pinned against the coal rib by the machine's electrical cable restraining clamp (stand-off).

Was first-aid rendered? ☒ Yes ☐ No

Was person administering aid a MET/EMT? ☒ Yes ☐ No

Classification of accident: Machinery

Name and Certificate Number of: Mine Foreman: Merideth Back -

Superintendent: Ricky Campbell

Section Foreman: Harry Bronson

COMPLETE THIS SECTION FOR HAULAGE OR MACHINERY ACCIDENT

Name of manufacturer of machine involved: Joy

Machine Voltage: 995 Volts-AC Model No.: 14CM09

Serial No.: JM4371A Type of Machine: Continuous Miner

Size of equipment: Weight 112,000 pounds Height 29 1/2 inches

Width 10 feet 10 inches Length 35 feet 9 inches

Clearance at scene of accident: Side: It was 37 inches from the continuous miner to the coal rib where the victim was positioned. Vertical: 71 inches

Side and vertical clearance in general: Entry width: 19 feet and 2 inches

Was victim qualified and certified to perform duties? ☒ Yes ☐ No

MEMBERS OF THE STATE INVESTIGATING COMMITTEE

NAMES	TITLE	REPRESENTING
Tracy Stumbo	Chief Accident Investigator	OMSL
Greg Goins	Deputy Chief Accident Investigator	OMSL
Randy Campbell	Electrical Inspector	OMSL
Michael Eldridge	Roof Control Inspector	OMSL

OTHER PERSONS PARTICIPATING IN THE INVESTIGATION

NAMES	TITLE	REPRESENTING
Robert Ashworth	Accident Investigator	MSHA
Jack Harris	Accident Investigator	MSHA
Harry Hall	Electrical Inspector	MSHA
Danny Lewis	Supervisor	MSHA

PERSONS THAT WERE PRESENT DURING THE INTERVIEWS

NAMES	TITLE	REPRESENTING
Greg Goins	Deputy Chief Accident Investigator	OMSL
Robert Ashworth	Accident Investigator	MSHA
Jack Harris	Accident Investigator	MSHA
Harry Hall	Electrical Inspector	MSHA
Danny Lewis	Supervisor	MSHA
Schean Belton	Attorney	MSHA
*John Williams	Attorney	Leeco, Inc.
**Joe Evans	Technical Advisor	Leeco, Inc.

*John Williams was the attorney for all Leeco, Inc. employees interviewed on June 25, 2010.

**Joe Evans was present as the attorney's technical advisor during all interviews conducted on June 25, 2010

PERSONS INTERVIEWED

NAMES	TITLE	REPRESENTING
Jeremy Joe Adams	Roof Bolter Operator	Leeco, Inc.
Gary Wayne Amburgey	Roof Bolter Operator	Leeco, Inc.
Keith Patrick Hubbard	Electrician	Leeco, Inc.
Chris Wagers	Belt Foreman	Leeco, Inc.
Chester May Jr.	Scoop Operator	Leeco, Inc.
Michael J. Lewis	Shuttle Car Operator	Leeco, Inc.
Thomas Joseph Campbell	Shuttle Car Operator	Leeco, Inc.
Harry Edward Bronson	Section Foreman	Leeco, Inc.
Ricky Lynn Campbell	Superintendent	Leeco, Inc.

GENERAL MINE INFORMATION

The Leeco, Inc., No. 68 (67) is an underground mine located at Jeff, in Perry County, Kentucky. The mine was originally licensed on April 11, 1994.

The mine has four (4) working sections producing approximately five thousand and five hundred (5,500) tons of coal per day from the Amburgey coal seam. The 014 section uses a radio remote controlled continuous miner with shuttle car haulage.

There are one hundred and fifty-two (152) employees total, working five (5) days per week and periodically working an extra shift on Saturday.

Coal is produced on the first and second shift with maintenance being performed on the third shift.

CIRCUMSTANCES OF THE ACCIDENT

On June 24, 2010, at approximately 6:30 AM, Bobby L. Smith reported to work at the Leeco, Inc., No. 68 (67) mine. Smith was employed as a continuous miner operator on the 014 section.

Smith and seven (7) co-workers arrived on the 014 section at approximately 7:15 AM, and conducted section and equipment checks for approximately one (1) hour. Normal production began at approximately 8:15 AM, by extracting coal from the No. 3 right crosscut. Coal was then extracted from the No. 2 left crosscut and into the room neck on the left rib of the No. 1 entry. Smith then trammed the continuous miner to the No. 4 entry and extracted coal from the face to a depth of twenty-five (25) feet.

After completing the cut, Smith backed the continuous miner away from the coal face and positioned it to the left side to load the loose coal (gob) from the mine floor. Smith loaded the shuttle car, operated by Michael Lewis, from the left side of the entry. Lewis asked Smith if the clean-up was done, and Smith replied that he needed one (1) more shuttle car to clean the right side of the entry.

Lewis told Thomas Campbell (shuttle car operator) that Smith wanted him to bring his shuttle car to the entry so he could finish the clean-up work. Campbell said that he was parked in the No. 4 entry and he waited until Smith had re-positioned the continuous miner to the right side before he drove his shuttle car into the entry. Campbell said that as he went into the entry he saw that Smith was pinned against the right coal rib by the continuous miner.

Campbell backed his shuttle car out of the entry and yelled for Keith Hubbard (electrician) who was located at the coal feeder. Hubbard responded to the scene

and was joined by Lewis, Harry Bronson (section foreman) and Chester May, Jr. (scoop operator). Bronson went to the mine phone and notified management about the accident while Hubbard, Lewis, and May tried to free Smith from between the machine and the coal rib.

Lewis stated that he retrieved the remote control box (which was located on the mine floor near Smith) and attempted to move the machine, but due to damage to the power cord, the remote box would not work.

Hubbard then instructed May to get his scoop and try to push the machine to the left - away from Smith, but the scoop did not move the machine. Hubbard then instructed Campbell to bring a shuttle car to the scene; after bumping the continuous miner with the car a few times, they were able to free Smith.

Bronson returned to the scene with first-aid supplies and Smith was treated, taken to the track, and transported to the surface - where he was turned over to emergency personnel.

Bobby L. Smith was pronounced dead at 3:00 PM, at the Hazard ARH by John Collett, Perry County Deputy Coroner.

CONCLUSION OF THE STATE INVESTIGATING COMMITTEE

Bobby L. Smith was fatally injured on June 24, 2010, while working at the Leeco, Inc., No. 68 (67) mine. Smith was located next to the right coal rib while operating a continuous miner when he was pinned against the coal rib by the machine.

Smith was maneuvering the front of the machine around an offset in the right coal rib when he was struck by the machine's metal electrical cable restraining clamp (stand-

off). The restraining clamp was attached to the continuous miner on the right side rear of the machine.

CONDITIONS AT THE ACCIDENT SCENE

The accident occurred on the 014 section, in the No. 4 entry, ninety-nine (99) feet inby survey station (spad) number 6667. The 014 section was advancing seven (7) entries on fifty-two by sixty (52 x 60) feet centers. The mining height was seventy-one (71) inches and the entry width was nineteen feet and two inches (19' 2"). The mine floor was damp with loose coal present.

Smith was operating a Joy 14CM09 continuous miner by radio remote control. The coal had been mined twenty-five (25) feet in advance of the last row of permanent roof support. Smith was in the process of loading the spilled loose coal and rock (clean-up run) from the mine floor when the accident occurred.

A section of the electrical supply cable was coiled against the right coal rib and a ventilation curtain was attached to the roof near the right rib, outby the victim's location.

A clean-up run had been completed on the left side of the entry to the coal face. The continuous miner was positioned on the right side and statements indicate that Smith had been tramming the continuous miner forward, pushing loose coal toward the face.

Skid marks and imprints from the machine's gathering pan were present on the mine floor, three (3) feet outby the victim's location. The imprints were forty-six (46) inches from the right coal rib and continued at an angle, to the right, toward the coal face. The imprints were thirty-seven (37) inches from the right coal rib where the victim was found, and nineteen (19) inches from the rib at the last row of permanent roof support.

Due to the entry being slightly off center, an offset of the coal rib was present on the right side. The offset protruded into the entry twenty-one (21) inches and was part of the previous coal face. The offset was twenty (20) feet and ten (10) inches from where the victim was found, on the right rib.

Imprints and marks on the floor indicate that Smith trammed the continuous miner toward the offset, but he turned (slewed) the front of the machine to the left to avoid hitting it with the cutting head. Imprints made by the machine's metal tracks on the mine floor measured seventeen (17) inches where it turned or slewed. This maneuver allowed the rear of the machine, where the restraining clamp (stand-off) is located, to move approximately thirty inches (30) inches toward the victim.

The metal restraining clamp (stand-off), located on the right side, extended twelve (12) inches away from the frame of the machine. The restraining clamp struck the victim's torso and pinned him against the right coal rib.

Witnesses stated that Smith was last seen in a kneeling position next to the right coal rib, while he was loading loose coal from the mine floor.

A postmortem toxicology examination of the victim was performed by the Commonwealth of Kentucky, Office of the Associate Chief Medical Examiner in accordance with KRS 352.180 (7).

CONDITIONS OR CIRCUMSTANCES THAT MAY HAVE CONTRIBUTED TO THIS ACCIDENT

Bobby L. Smith was positioned in a place considered as a red zone (prohibited area beside the machine), while operating the continuous miner. In the "safety precautions" section of the roof control plan, it states that while mining and moving equipment -

all persons shall be positioned in an area that will afford maximum protection to themselves and others.

The toxicology report of the victim (conducted by the Office of the Chief Medical Examiner) indicates concentrations of substances in the blood and urine. Therefore, the judgment and motor skills of the victim may have been impaired.

RECOMMENDATIONS MADE AND DISCUSSED

1. During mining and place changing with remote control miners, all persons shall be positioned in an area that will afford maximum protection to themselves and others from moving equipment.
2. Mine management shall review the red zone restricted areas with all mine personnel.

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

1. KRS 352.180: EB-40 - Closure order written for the entire mine.
2. KRS 352.201 (1): Citation No. 1073-03 - The roof control plan safety precautions for operating a remote control continuous miner was not being complied with.

LEECO, INC.
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FILE NO. - 11305-53
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SUBMITTED BY:


ACCIDENT INVESTIGATOR


CHIEF ACCIDENT INVESTIGATOR

DATE: Aug. 17, 2010

APPROVED BY:


EXECUTIVE DIRECTOR
OFFICE OF MINE SAFETY AND LICENSING

DATE: 8-6-2010


COMMISSIONER

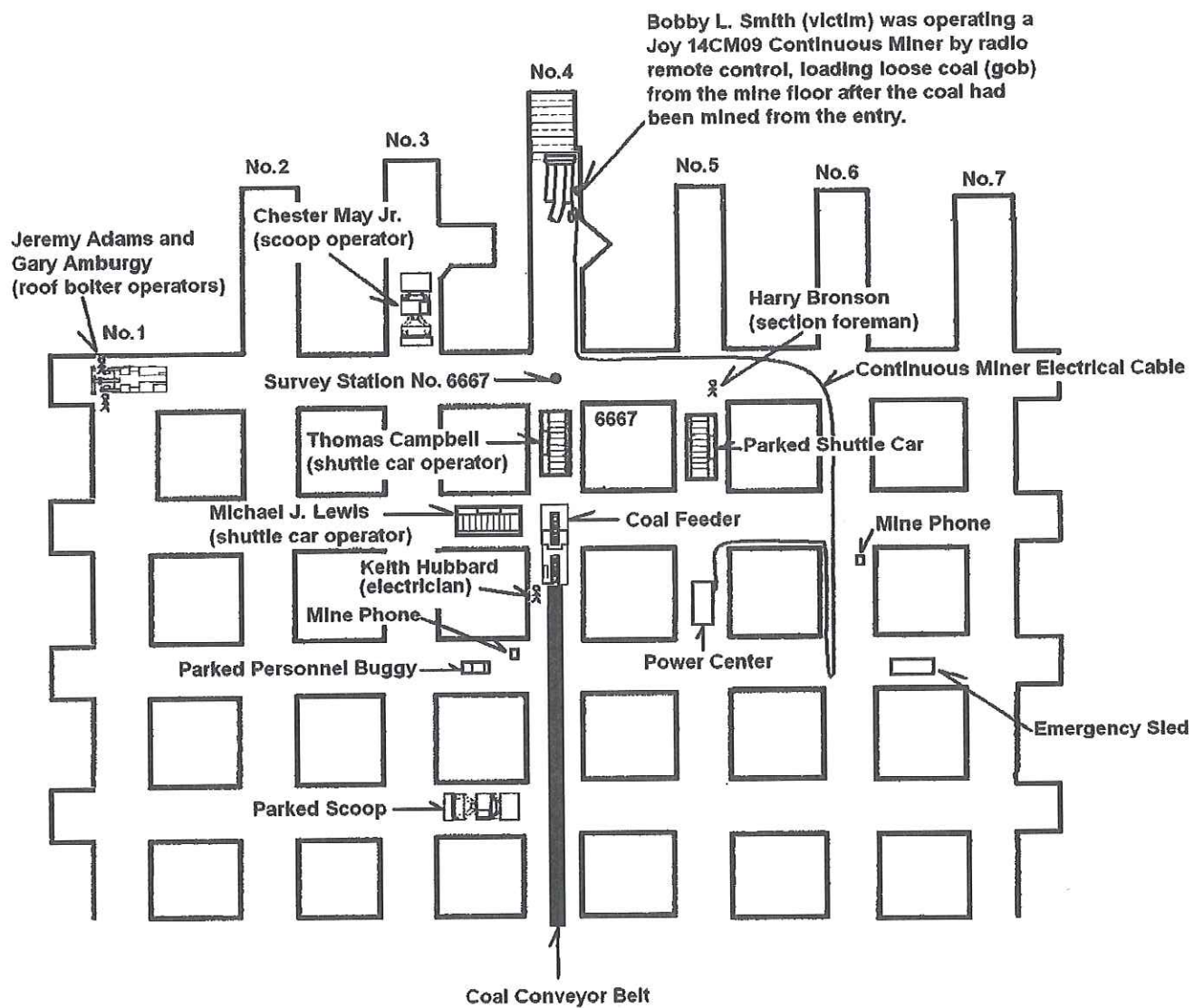
DATE: 8/9/2010

LEECO, INC.
MINE NO. 68 (67)
FILE NO. 11305-53
FATAL ACCIDENT REPORT
JUNE 24, 2010
DECEASED: BOBBY L. SMITH

B

Leeco, Inc.
Mine No. - 68 (67)
File No. - 11305-53
Fatal Accident

The 014 Section
Accident Scene - No. 4 Entry



Sketch No. 1
Before The Accident
Not To Scale

Leeco, Inc.
 Mine - 68 (67)
 File No. - 11305-53
 Fatal Accident

No. 4 Entry
 The Accident Scene

The cut depth averaged 25 feet from the last row of permanent roof support.

The victim had cleaned the loose coal from the left side of the entry and was in the process of cleaning the right side when the accident occurred.

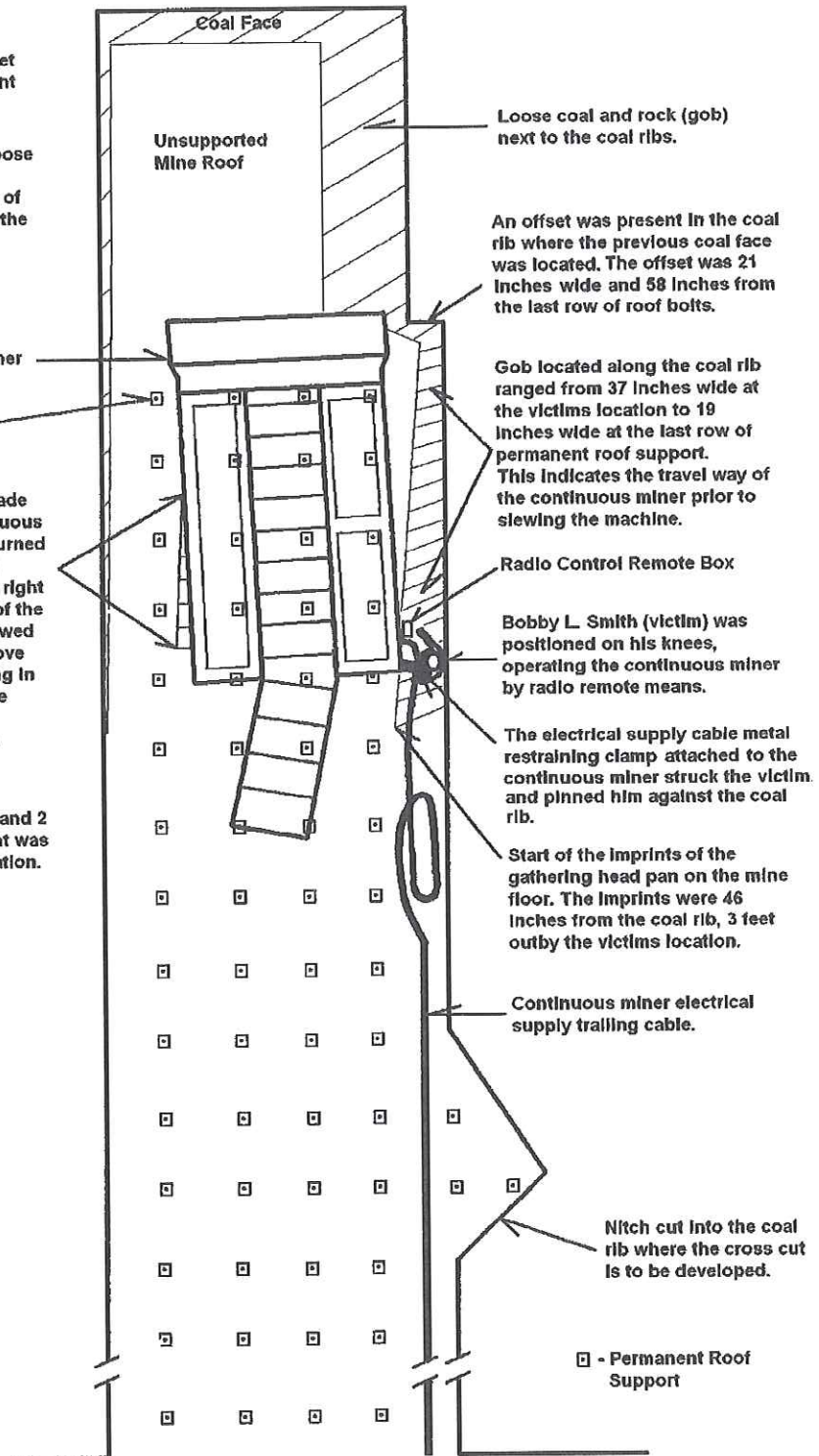
Joy 14CM09 Continuous Miner cutting head

Last row of permanent roof support.

Imprints on the mine floor made by the left track of the continuous miner indicate the machine turned or slewed 17 inches to avoid contact with the offset in the right coal rib by the cutting head of the machine. This maneuver allowed the rear of the machine to move more than 30 inches, resulting in the victim being struck by the electrical supply cable metal restraining clamp (stand off).

The entry width was 19 feet and 2 inches and the overall height was 71 inches at the victims location.

Sketch No. 2
 After The Accident
 Not To Scale



**LEECO, INC.
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C

LEECO, INC.
MINE NO. -68 (67)
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ACCIDENT SCENE
NO. 4 ENTRY



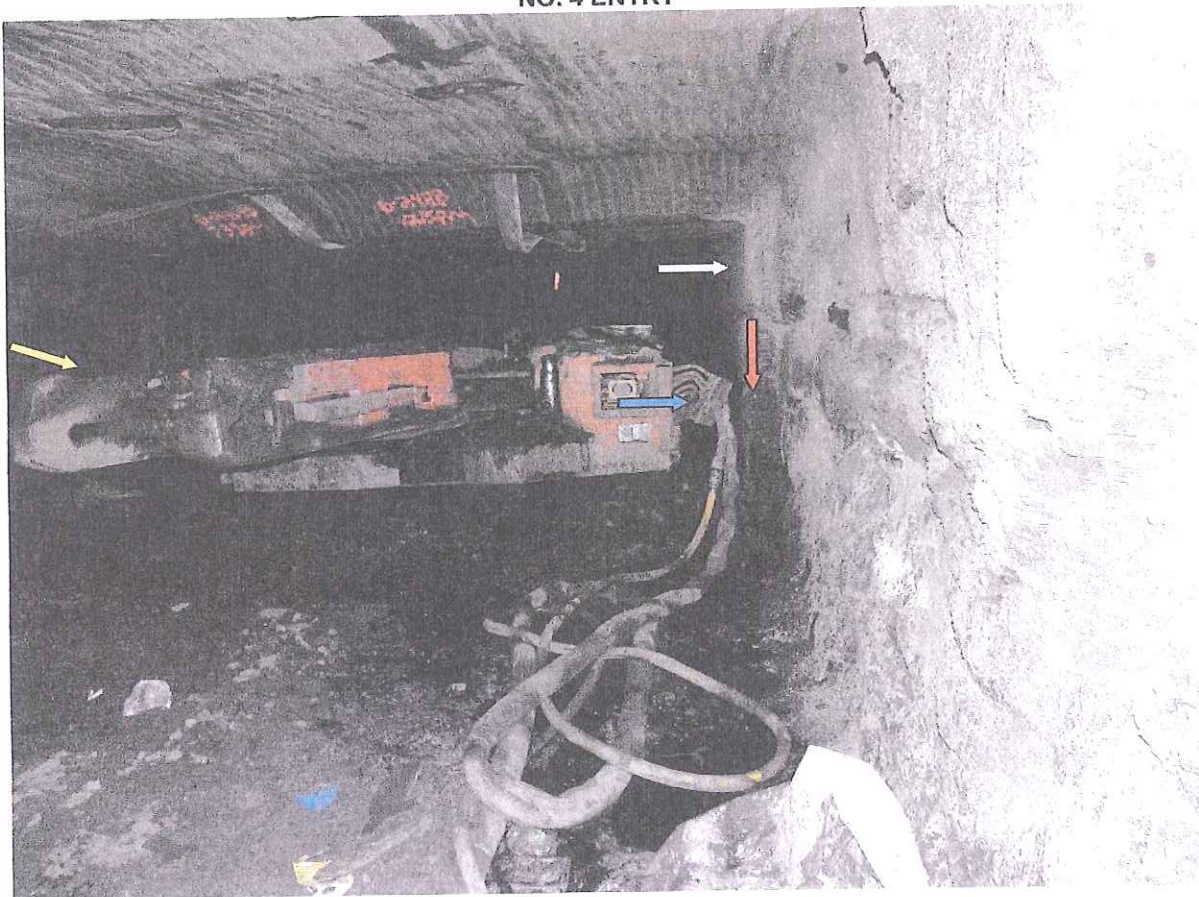
RED ARROW INDICATES THE APPROXIMATE LOCATION OF THE VICTIM, BOBBY L. SMITH

YELLOW ARROW INDICATES THE CONTINUOUS MINER

BLUE ARROW INDICATES THE ELECTRICAL SUPPLY CABLE'S
METAL RESTRAINING CLAMP (ATTACHED TO THE CONTINUOUS MINER);
THE CLAMP STRUCK THE VICTIM AND PINNED HIM AGAINST THE COAL RIB

LEECO, INC.
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ACCIDENT SCENE
NO. 4 ENTRY



RED ARROW INDICATES THE APPROXIMATE LOCATION OF THE VICTIM, BOBBY L. SMITH

YELLOW ARROW INDICATES THE CONTINUOUS MINER

BLUE ARROW INDICATES THE ELECTRICAL SUPPLY CABLE'S
METAL RESTRAINING CLAMP (ATTACHED TO THE CONTINUOUS MINER);
THE CLAMP STRUCK THE VICTIM AND PINNED HIM AGAINST THE COAL RIB

WHITE ARROW INDICATES AN OFFSET THAT WAS PRESENT IN THE RIGHT COAL RIB

LEECO, INC.
MINE NO. -68 (67)
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ACCIDENT SCENE
NO. 4 ENTRY



RED ARROW INDICATES THE APPROXIMATE LOCATION OF THE VICTIM, BOBBY L. SMITH

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BLUE ARROW INDICATES THE ELECTRICAL SUPPLY CABLE'S
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WHITE ARROW INDICATES AN OFFSET THAT WAS PRESENT IN THE RIGHT COAL RIB

**LEECO, INC.
MINE NO. 68 (67)
FILE NO. 11305-53
FATAL ACCIDENT REPORT
JUNE 24, 2010
DECEASED: BOBBY L. SMITH**

D



ACCIDENT INVESTIGATION
Office of Mine Safety and Licensing
P.O. Box 2244
Frankfort, Kentucky 40602-2244
Phone: (502)573-0140 Fax: (502)573-0152

Date: **6/24/2010** Time: **1:20 PM** License No: **1003-U-004** State File No: **11305-53**
Person Notified OMSL (Title/Affiliation): **B O B B A N K S** Date/Time of Notification: **6/24/2010 1:19 PM**
Investigator: **MIKE ELDRIDGE**
District: **Hazard** Telephone No: **(606) 435-6079**
Type of Mine: **URC** Type of Accident:
Licensee: **LEECO INC** Mine Name/No: **68 (67)**
Licensee Address: **P.O.BOX 309** Telephone No: **606-439-3845**
JEFF, KY 41751
Principal Officer: **JOSEPH G EVANS** ID#: Title: **EXECUTIVE OFFICER**
Closure Order Served On: **RICK CAMPBELL EXECUTIVE OFFICER**

**THE AREA LISTED BELOW IS HEREBY PROHIBITED FROM PRODUCING COAL
OR OPERATING PENDING AN INVESTIGATION PURSUANT TO KRS 352.180**

AREA CLOSED:
ENTIRE MINE

REASON(S) FOR CLOSURE:
INVESTIGATION OF ACCIDENT ON 014 SECTION OF BOBBY L. SMITH.

MIKE ELDRIDGE
Investigator Signature

RICK CAMPBELL
Receipt Acknowledged by

SUPT.
Recipient Title

OFFICE OF MINE SAFETY AND LICENSING



Date: 6/26/2010

File No. 11305-53

Inspection Number: 2010624_11305-53_AI

Recommendations and/or remarks:

LEECO INC 68(67)

6-24-2010 1:20 P.M.

EB -40 CLOSURE ORDER ISSUED TO RICK CAMPBELL .CLOSED ENTIRE MINE.

THE PURPOSE OF THIS CLOSURE ORDER IS TO INVESTIGATE A FATAL ACCIDENT THAT OCCURRED ON THE 014 SECTION,INVOLVING BOBBY SMITH JR.,CONTINUOUS MINER OPERATOR.

NOTE; THIS CLOSURE IS MODIFIED AT 10:00 P.M. 6-24-10 TO ALLOW WHAT WORK IS NECESSARY TO MAINTAIN THE MINE. THIS MINE IS NOT ALLOWED TO RESUME PRODUCTION OF COAL AT THIS TIME.

6-25-10 THIS CLOSURE IS MODIFIED AT 8:30 A.M. TO ALLOW CHECKS OF THE ELECTRICAL SYSTEMS OF THE CONTINUOUS MINERS ON ALL SECTIONS OF THE MINE BY OMSL PERSONNEL.THIS MINE IS NOT ALLOWED TO RESUME PRODUCTION OF COAL AT THIS TIME.

REVIEWED: _____ SIGNED: _____ MIKE ELDRIDGE
(Inspector/Analyst)

SIGNED: _____ David Mullins SIGNED: _____
(District Supervisor) (Inspector/Analyst)

OFFICE OF MINE SAFETY AND LICENSING



Date: 6/29/2010

File No. 11305-53

Inspection Number: 20100629_11305-53_AI

Recommendations and/or remarks:

LEECO INC 68(67)

6-28-10 MONDAY 7:23 P.M.

ON 6-28-10 AT 6:00 P. M. ,THE LICENSEE(LEECO INC(68)),CONDUCTED A SAFETY MEETING WITH THE EMPLOYEES OF THE 68(67) MINE.THE EB-40 CLOSURE ORDER THAT WAS ISSUED ON 6-24-01 AT 1:20 P.M. IS HEREBY MODIFIED TO ALLOW FOR PRODUCTION OF COAL ON THE 001,010 AND 012 SECTIONS.THIS MODIFICATION ALSO ALLOWS FOR THE # 4 HEADING TO BE ROOF BOLTED ON THE 014 SECTION.

6-29-10 TUESDAY 12:15 P.M.

THE ENTIRE MINE IS RELEASED FROM THE EB-40 CLOSURE ORDER, ISSUED ON 6-24-10, DUE TO COMPLETION OF THE SITE INVESTIGATION.

REVIEWED: _____ SIGNED: _____ MIKE ELDRIDGE
(Inspector/Analyst)

SIGNED: _____ David Mullins SIGNED: _____
(District Supervisor) (Inspector/Analyst)



COMMONWEALTH OF KENTUCKY
OFFICE OF MINE SAFETY & LICENSING

1073-03

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. **11305-53**

TYPE OF ISSUANCE:

Non-Compliance ☒

Closure Order ☐

Abated ☐

Date: **July 21, 2010**

Time: **10:05**

AM ☒

PM ☐

Company Name **Leeco, Incorporated**

Address **P O Box 309 Jeff, Kentucky 41751**

Mine Name/No. **68(67)**

Location **Jeff**

Person Deemed Responsible **Harry E. Bronson**

Title **Section Foreman**

Miner I.D. No. _____

Mine Foreman Certification No. _____

Did an injury or fatality occur as a result of Non-Compliance?

Yes ☒

No ☐

DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:

Non-Compliance with: **KRS 352 : 201 (1)**

Harry Bronson (section foreman) failed to insure that the safety precautions for operating a remote control continuous miner, as stated in the approved roof control plan, were complied with in that Bobby L. Smith was not in an area that would afford maximum protection from the continuous miner. Smith had positioned himself in the red zone (prohibited area) while he was operating the continuous miner in the No. 4 entry on June 24, 2010, which resulted in him being pinned against the coal rib by the electrical cable restraining clamp, causing fatal injuries.

☐ **MODIFICATION OF ORDER** Date: _____ Time: _____ AM ☐ PM ☐
(Explanation)

ABATEMENT

Date: _____ Time: _____ AM ☐ PM ☐

Remedial Measures Taken: _____

ISSUED BY

Gregory Goins - Accident Investigator
INSPECTOR/ANALYST

Hazard

DISTRICT

**LEECO, INC.
MINE NO. 68 (67)
FILE NO. 11305-53
FATAL ACCIDENT REPORT
JUNE 24, 2010
DECEASED: BOBBY L. SMITH**

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